

EXHIBIT X

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES JIRAK AND ROBERT
PEDERSEN,

Plaintiffs,

vs.

ABBOTT LABORATORIES, INC.,
Defendant.

CASE NO. 07 C 3626

DEPOSITION OF RANJEETA UDHOJI-SAMPLE,
taken on behalf of the Defendant at 16133
Ventura Boulevard, Suite 1200, Encino,
California, on Monday, July 27, 2009, at
9:55 A.M. before Christine C. Gordon,
Certified Shorthand Reporter No. 7709.

1 Any other institutions, Veterans' Hospitals,
2 things like that that you called on?

3 A There were some private hospitals.

4 Q Private hospitals? Like what?

5 A Huntington Memorial in Pasadena.

6 Q How were those different than your other
7 customers?

8 A They didn't have a residency program.

9 Q So were you calling on different sorts of
10 physicians?

11 A Just the hospital pharmacies at that time
12 just to get them to verify stocking.

13 Q Okay. So you agree with the general idea
14 that a doctor writes a prescription for a product;
15 right?

16 A Mm-hmm.

17 Q And do you agree that a patient has to have a
18 prescription to obtain the product?

19 A Yes.

20 Q So in writing the prescription, the doctor is
21 essentially determining what product the patient would
22 buy? Do you agree?

23 A Yes. Hopefully they put "Do not substitute."

24 Q So for a company, a drug company like Abbott
25 or Shering Plough, Glaxo, do you think it makes sense

1 that it would target its sales efforts of the doctor
2 since the doctor is ultimately deciding what product
3 the patient is going to buy?

4 MR. LIANG: I'm going to object that it calls
5 for speculation.

6 THE WITNESS: We made presentations, and we
7 were taught to make presentations to everyone in the
8 office and speak to as many people as we could.

9 BY MS. OSE:

10 Q But again my question is more just in the
11 abstract. I mean, does it make sense that the target
12 of a company like Abbott sales efforts would be at the
13 physician level since the patient actually needs the
14 physician's prescription to purchase the product?

15 A Yes.

16 Q So in order to sell more products, Abbott
17 wanted to make sure that you as sales reps were
18 educating the physician on the competition; right?

19 A Yes.

20 Q And the weaknesses or strengths of Abbott
21 products versus the competition?

22 A We didn't actually sell anybody anything. We
23 made presentations and hoped that they would prescribe
24 a medication.

25 Q So your overall goal then was to get the

1 Q So August 4th the first one starts at 10:22
2 A.M., one, two, three, four, five, six, seven, eight,
3 nine calls, and the last one at 4:30; 4:24.

4 So, again, looking at this week is it
5 possible that you worked less than 60 hours?

6 A Yes.

7 Q Is it possible there are other weeks in here
8 that you would have worked less than 60 hours?

9 A It's possible.

10 Q So when you were in the field most of the
11 time you were not accompanied by a supervisor; right?

12 A Correct.

13 Q It was just you by yourself?

14 A Yes.

15 Q And was there any way that your manager can
16 monitor what you were doing on a day-to-day basis as
17 far as your sales calls?

18 A I suppose they would generate a report like
19 this.

20 Q But in terms of, you know, what you were
21 doing, what messages you were giving, things that
22 wouldn't be reflected in this report, is there a way
23 that they could monitor that?

24 A No.

25 Q So would you agree with the statement that

1 there was not a lot of supervision on a day-to-day
2 basis?

3 A No.

4 Q Why not?

5 A Because there were voicemails, phone calls,
6 emails.

7 Q You consider that supervision?

8 A Yes.

9 Q In what way?

10 A If somebody calls you in the middle of the
11 day and wants to know what's going on or has some
12 information for you or doesn't have information, it's
13 supervision.

14 Q Did you have conversations with your manager
15 during the day?

16 A Yes.

17 Q On the phone?

18 A Yes.

19 Q But, again, your manager wasn't accompanying
20 you, watching you, didn't know when you were taking
21 personal breaks?

22 A Once a month she did.

23 Q But aside from once a month?

24 A No.

25 Q What is a "warchest"?

1 doctors, so I would say that's not true.

2 Q So what does "sales" mean to you? Does there
3 have to be a contract and money exchanged?

4 A Yes.

5 Q And those are two requirements that you see?

6 A Yes.

7 Q So during your entire time at Shering Plough
8 and at Abbott and Glaxo you never thought of yourself
9 as a salesperson?

10 A Well, we did not have a product that we were
11 actually giving to somebody for any amount of money so
12 it was more promotional.

13 Q But wasn't the ultimate goal to increase the
14 sales of the products that you were in charge of?

15 A There was no way of knowing who actually
16 created that prescription, no way of knowing.

17 Q Can you clarify that a little more? You're
18 saying there was no way of knowing?

19 A If a prescription was written by a physician
20 there's absolutely no way of knowing if I caused that
21 person to write that prescription, if Thomas had
22 caused that person to write a prescription, if the
23 pharmacist had requested that product for that
24 patient, if the patient had requested the product, if
25 managed care had dictated it. There's no way of

1 knowing.

2 Q So even though in the pharmaceutical industry
3 it's not possible for you to sell pharmaceutical
4 products to a consumer, it was FDA regulation, you
5 still maintain that that means you're not selling?

6 A I don't consider that selling.

7 Q Let's look at the second paragraph on the job
8 description.

9 "The Neuroscience Specialty Sales Rep will
10 increase sales volume of key products through
11 effective territory management and sales
12 execution."

13 What do you think about that phrase?

14 A Well, we were there to increase the volume of
15 Depakote prescriptions, but whether we did or not by
16 our own direct efforts is not something that I
17 personally know.

18 Q What about:

19 "Analyze market dynamics and utilize
20 available information to ensure that every
21 opportunity to meet/exceed sales goals is
22 maximized"?

23 A That would be evaluating the sales data and
24 planning a strategy to again try and generate
25 prescriptions.